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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAMIEN TORRES,

Defendant.

CASE NO. 1:22-CR-00250-JLT-SKO

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
ORDER

DATE: October 29, 2024
TIME: 8:30 a.m.
COURT: Hon. Jennifer L. Thurston

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for jury trial on October 29, 2024.
2. By this stipulation, defendant and government now move to continue the jury trial on March 25, 2025, and to exclude time between October 29, 2024, and March 25, 2025, under Local Code T4.
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The government has provided initial discovery and is looking into whether there is supplemental discovery that needs to be received for production.
 - b) The parties have been in plea discussions however the matter has not resolved to date.

1 c) Counsel for the government will be on medical leave the end of September and
2 anticipates being on said leave the majority of October 2024.

3 d) Counsel for defendant needs time to determine how recent Ninth Circuit decisions
4 affect this matter and if dispositive motions need to be filed. It is anticipated that this will not be
5 able to be determined until after November 2024.

6 e) The estimated trial time is 3-4 days.

7 f) The defendant agrees and stipulates that time should be excluded for the
8 aforementioned reasons.

9 g) Counsel for defendant believes that failure to grant the above-requested
10 continuance would deny him/her the reasonable time necessary for effective preparation, taking
11 into account the exercise of due diligence.

12 h) Based on the above-stated findings, the ends of justice served by continuing the
13 case as requested outweigh the interest of the public and the defendants in a trial within the
14 original date prescribed by the Speedy Trial Act.

15 i) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
16 et seq., within which trial must commence, the time period of October 29, 2024 to March 25,
17 2025, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code
18 T4] because it results from a continuance granted by the Court at defendant's request on the basis
19 of the Court's finding that the ends of justice served by taking such action outweigh the best
20 interest of the public and the defendant in a speedy trial.

21 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
22 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
23 must commence.

24 IT IS SO STIPULATED.

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26 **[Remainder of this page intentionally left blank.]**
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1 Dated: September 17, 2024

PHILLIP A. TALBERT
United States Attorney

2
3 /s/ LAUREL J. MONTOYA
4 LAUREL J. MONTOYA
Assistant United States Attorney

5 Dated: September 17, 2024

6 /s/ SERITA RIOS
7 SERITA RIOS
Counsel for Defendant
8 DAMIEN TORRES


9
10 **FINDINGS AND ORDER**

11 IT IS SO FOUND that the ends of justice are served by requested continuance.

12 IT IS FURTHER FOUND that the ends of justice served by taking such action outweigh the best
13 interest of the public and the defendant in a speedy trial and that time is deemed excluded pursuant to 18
14 U.S.C. § 3161(h)(7)(A), B(iv).

15 IT IS ORDERED that the jury trial set for October 29, 2024 is continued to March 25, 2025, and
16 that the time period of October 29, 2024 to and through March 25, 2025 be excluded from the time in
17 which trial must commence.

18 DATED: September 18, 2024

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HON. JENNIFER L. THURSTON
United States District Judge